

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MINNESOTA**

THE PRUDENTIAL INSURANCE
COMPANY OF AMERICA,

Plaintiff,

v.

J.B., a minor; Z.B., a minor; and ANNIE L.
DAVIS, solely in her capacity as guardian
of J.B. and Z.B., and MARILYN DAVIS,

Defendants.

Case No. 18-cv-3189 (DSD/ECW)

ORDER

This case is before the Court on the Motion of Plaintiff, The Prudential Insurance Company of America (“Prudential”), to appoint guardians *ad litem* for minor Defendants, J.B. and Z.B., and for an Order directing Prudential to deposit a remaining death benefit in the amount of \$222,000.00 out of a total death benefit of \$444,000.00 with this Court pursuant to Federal Rule of Civil Procedure 67 due as a consequence of the death of Andrew L. Davis, who was insured under a group life insurance policy bearing Group Policy No. G-43939 issued by Prudential to Wal-Mart Stores, Inc. (Doc. No. 31.)

During the hearing on the motion, Prudential sought to withdraw its motion to appoint a guardian *ad litem* for Z.B. on the basis that Z.B. is no longer a minor. Prudential also sought to withdraw the motion for deposit without prejudice until all the parties have been served in this action. Prudential also confirmed its request to withdraw these

motions in writing. (Doc. No. 42.)

ORDER

Based on the files, records, and proceedings herein, **IT IS ORDERED THAT:**

1. Plaintiff's Motion to appoint a guardian *ad litem* for minor Defendant J.B. is **GRANTED**.
2. Annie Davis is hereby appointed guardian *ad litem* for the minor, J.B., with regard to the above-captioned matter.
3. J.B.'s guardian *ad litem*'s reasonable fees, to the extent that she seeks any, shall be paid out of the Death Benefit.
4. Plaintiff's motion to appoint a guardian *ad litem* for Z.B is **WITHDRAWN**.
5. Plaintiff's Motion to Deposit Pursuant to Federal Rule of Civil Procedure 67 is **WITHDRAWN** without prejudice.

Date: July 29, 2019

ELIZABETH COWAN WRIGHT
United States Magistrate Judge